

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
February 24, 2011

In the Matter of JORDAN, Minors.

No. 296650
Macomb Circuit Court
Family Division
LC No. 2008-000375

Before: SAAD, P.J., and K.F. KELLY and DONOFRIO, JJ.

MEMORANDUM.

Respondent appeals the trial court's order that terminated her parental rights to the children under MCL 712A.19b(3)(b)(ii), (b)(iii), (c)(i), (g), and (j). For the reasons set forth below, we affirm.¹

Children's Protective Services (CPS) investigated 12 neglect complaints against respondent beginning in 1997 and substantiated two, the most recent in June 2007. CPS offered a variety of services to respondent, but she showed little improvement. After an evaluation revealed respondent's limited cognitive abilities, CPS offered respondent additional and more intensive services, but she again made only minimal progress.

On June 7, 2008, petitioner filed a petition seeking to place the children in the court's temporary custody following allegations that respondent had allowed her boyfriend, Dale Goodman, who was on probation for criminal sexual conduct involving a minor, to be in her home without adult supervision. A month later, petitioner amended the complaint and sought termination of respondent's parental rights after Goodman pleaded guilty to criminal sexual conduct for inappropriately touching respondent's then six-year-old daughter. Respondent pleaded no contest to the allegations in the petition and petitioner provided respondent with a parent-agency agreement that required her to (1) complete a psychological evaluation, a psychiatric evaluation, and counseling; (2) participate in a substance abuse assessment and

¹ Respondent's argument on appeal lacks any reference to the lower court file or transcripts, contrary to the requirements of MCR 7.212(C)(7). Generally, a party may not leave it to this Court to find evidence to support or reject its argument. *Matter of Nash*, 165 Mich App 450, 458; 419 NW2d 1 (1987). However, to protect the interests of the parties, the Court has reviewed the record and considered whether the evidence supports termination.

submit random screens; (3) complete parenting classes; (4) avoid any contact with Goodman; (5) maintain employment or other legal source of income; (6) file for a guardian; (7) maintain safe and suitable housing; (8) regularly visit the children; and (9) maintain contact with petitioner. Respondent completed the requested psychological evaluations but refused to participate in any of the counseling recommended by the evaluators. In particular, she refused to complete counseling with Community Health Services, which was intended to address the issues leading to her failure to protect her child from her boyfriend's sexual abuse. The evidence also showed that respondent failed to maintain suitable housing, visit the children consistently, participate in a substance abuse assessment, or obtain a guardian to help her manage her income. She also continued to maintain contact with Goodman, and she also allowed a man she met online to stay in her home. On the basis of this evidence, the trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(H)(3); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

The evidence also showed that termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although respondent argues that petitioner failed to provide services tailored to her limited cognitive abilities, workers testified that, after respondent's evaluations showed that she had some mental impairment, petitioner provided services to respondent through JOAK, an agency specifically intended for individuals with cognitive disabilities. The record also shows that respondent failed to take advantage of many of the services offered to her. Respondent cannot claim that services were inadequate when she did not attempt to participate in the services offered. Accordingly, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Henry William Saad
/s/ Kirsten Frank Kelly
/s/ Pat M. Donofrio